

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

THI-KEM EICHEN,

Plaintiff,

v.

DRYVIT SYSTEMS, INC.,

et al.,

Defendants.

CIVIL ACTION NO. 01-JEO-1928-S

ENTERED

OCT 12 2001

MEMORANDUM OPINION

Before the court is “Defendant’s Motion to Transfer Under 28 U.S.C. § 1404(a) .” (Doc.

4). Upon consideration, the court finds that the motion is due to be granted.


According to the motion, the plaintiff originally was a plaintiff in an action filed in New Jersey state court that was removed to the United States District Court for the District of New Jersey. (Doc. 4 at ¶ 1). After the case was removed to federal court in New Jersey, the action was transferred to the United States District Court for the Eastern District of North Carolina as part of the Multi-District Litigation, MDL 1132, Master File No. 5:96-CV-287-BR(2).

Thereafter, the MDL class action was dismissed.

The plaintiff filed this complaint on August 1, 2001, asserting claims against the defendant on various state law claims, as well as under the New Jersey Products Liability Law and the New Jersey Consumer Fraud Act. The claims arise out of damages to her New Jersey home purportedly caused by the application of a product known as “Exterior Insulation and Finish System.” (Doc. 1 (Complaint) at ¶¶ 10-20). In the pending motion, the defendant seeks a transfer of this matter to the United States District Court of New Jersey. (Doc. 4 at ¶ 1). The plaintiff does not oppose the transfer.

After reviewing the motion and the original complaint and answer, the court finds that the motion is due to be granted and this matter transferred to the United States District Court for the District of New Jersey. An appropriate order will be entered.

DONE, this the 12th day of October, 2001.



John E. Ott
United States Magistrate Judge